

Application No.: 09/994,335
Amendment Dated: November 22, 2006
Reply to Office Action of: August 24, 2006

MTS-3288US

Remarks/Arguments:

Claims 1-5 and 9-13 are pending in the above-identified application. Claim 6-8 are withdrawn. Claims 14-16 are cancelled.

Claim 13 was rejected under 35 U.S.C. § 112, first paragraph, because there is no description regarding how a computer serves as "a tracking error signal generator, a detector, and a calculator." Accordingly, claim 13 has been amended to delete these terms.

Claim 13 was rejected under 35 U.S.C. § 112, second paragraph as being indefinite. Accordingly, claim 13 has been amended to remove the indefiniteness from the claim.

Claim 13 was rejected under 35 U.S.C. § 101 because the claim is directed to a "program" per se. Claim 13 has been amended to recite "A tangible computer readable medium..."

Claims 1-5 and 9-13 were rejected under 35 U.S.C. § 102 (b) as being anticipated by Kim. With regard to claim 1, the rejection is respectfully traversed. Kim does not disclose or suggest,

... a detector for **detecting a disk tilt DT indicating the amount of tilt of said optical head relative to said optical disk...**

...a calculator for calculating a lens shift LS indicating the amount of shift of said lens means relative to said optical head, according to a predetermined rule on the basis of said generated tracking error signal and said **detected disk tilt DT**. (Emphasis added).

As described in Kim, the detracking signal ΔT and the radial shift signal ΔR are **not affected by the tilt of the disk**. (Col. 14, lines 28-34). Kim also recites that "influence due to the tilt of the disk is **removed**" from the detection of the detracking signal ΔT and the radial shift signal ΔR . (Col. 7, lines 47-50; col. 8,

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lines 39-41). Equation 12 of Kim, which is used to calculate the radial shift signal ΔR , is cited by the Examiner at page 5 of the Office Action. This equation does not, however, include the disk tilt as a variable in the calculation. Thus, Kim does not disclose or suggest any calculation for actual physical movement of the disc relative to the optical head.

In contrast, according to the exemplary embodiment of Applicant's invention, the calculation is based on the disk tilt DT. (Page 14, lines 16-21). That is, the calculation of the lens shift is used for actual physical movement of said optical head relative to said optical disk, as recited in claim 1. Applicant's claimed feature of calculating a lens shift LS on the basis of detected disc tilt is advantageous over the prior art because the lens shift may be measured more accurately.

Kim does not disclose or suggest the features of claim 1. Thus, claim 1 is not subject to rejection under 35 U.S.C. § 102(b) in view of Kim. Claims 2-5 and 9-11 depend from claim 1. Accordingly, claims 2-5 and 9-11 are not subject to rejection under 35 U.S.C. § 102(b) in view of Kim.

As described above, claim 4 is not subject to rejection under 35 U.S.C. § 102(b) in view of Kim. Claim 4 has, however, been amended to recite, "when said tracking error signal is detected, **said optical head is tilted** relative to the optical disk so that said detected disk tilt DT substantially becomes zero. Specifically, in claim 4, the calculation in claim 1 is used to tilt the optical head.

Claims 12 and 13, while not identical to claim 1, include features similar to those set forth above with regard to claim 1. Thus, claims 12 and 13 are also allowable over the art of record for reasons similar to those set forth above with regard to claims 12 and 13.

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MTS-3288US

In view of the foregoing amendments and remarks, this Application is in condition for allowance which action is respectfully requested.

Respectfully submitted,


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